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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,088	05/04/2001	Vikram Rai	2	9412

7590

02/26/2004

Docket Administrator (Room 3C-512)  
Lucent Technologies Inc.  
600 Mountain Avenue  
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EXAMINER

FARKHONDAR, FARIMA

ART UNIT PAPER NUMBER

2681

5

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/849,088

Applicant(s)

VIKRAM RAI

Examiner

Farima Farkhondar

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Boltz et al, US Patent 6044275A.

Regarding claim 9, Boltz discloses a method for transmitting user identified storable information with a communication device over a communication system, the method comprises the steps of: formatting user identified storable information in accordance with a protocol being followed by the communication system (column 4, lines 21-26); and transmitting the user identified storable information over a signaling channel of the communication system (column 4, lines 26-29).

Regarding claim 10, Boltz further discloses a method the step of formatting user identified storable information comprises the steps of: obtaining the user identified storable information with a communication device (column 4, lines 20-26); and inserting transmission time data and destination data in the user identified storable information (column 4, lines 20-24, and 45-49).

Regarding claim 11, Boltz further discloses the communication device is either a cellular phone, a PDA or a personal computer (Boltz – figure 3, element 300).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-8, and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al, US Patent 6044275A in view of Hansson US Patent 6023620.

Regarding claim 1, Boltz discloses a method for delivering user information over a communication system, the method comprising the steps of: receiving user identified storable information over a signaling channel (Abstract, also column 3, lines 24-41); and transmitting the received information to a destination (column 3, lines 4-10). Boltz does not disclose the information is sent over a traffic channel. However, Hansson teaches the information is sent over a traffic channel (column 4, lines 20-22). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to combine the teachings of Boltz with the above teachings of Hansson, in order to avoid congestion on the signaling channel.

Regarding claim 2, the combination of Boltz and Hansson further discloses the step of receiving user identified storable information further comprises the steps of: storing the received information (Boltz, column 3, lines 28-31, column 4, lines 30-33, and 53-57); determining a transmission time and a destination from the received information (Boltz - column 4, lines 57-62); transmitting an alert signal over a signaling channel to the destination; and receiving a response signal over the signaling channel from the destination (Boltz - column 2, lines 35-40, note in a normal call setup the mobile responds to a page via signaling channel).

Regarding claim 3, the combination of Boltz and Hansson further discloses the step of transmitting an alert signal comprises: formatting the alert signal in accordance with a protocol being followed by the communication system (see Boltz, column 2, lines 35-37, note "paging" reads on "alert signal" and see column 5, lines 40-45 for protocols); and transmitting the alert signal over a signaling communication channel prior to the transmission time where the transmission time is specified by the user or by the system (column 4, lines 30-33 for time specified by user, and column 2, lines 35-37 for alert signal).

Regarding claim 6, the combination of Boltz and Hansson further discloses the step of determining a transmission and a destination address comprises the step of retrieving transmission time data and the destination data from the received information (Boltz -

column 3, lines 25-33).

Regarding claim 7, the combination of Boltz and Hansson further discloses the received information is transmitted over an available traffic channel at a time determined by the communication system when the user has not specified a transmission time (Boltz - column 3, lines 12-18).

Regarding claim 8, the combination of Boltz and Hansson further discloses the step of postponing the transmission of the received information until at least one traffic channel becomes available (Boltz, column 3, lines 12-18, note "as soon as possible" reads on "until one traffic channel becomes available").

Regarding Claim 12, it is rejected for the same reasons as set forth in claims 1 and 2 above.

Regarding claim 13, the combination of Boltz and Hansson further discloses the step of transmitting a response signal over a signaling channel comprises formatting the response signal in accordance with a protocol being followed by the communication system (Boltz - column 2, lines 35-40, note in a normal call setup the mobile responds to a page via signaling channel. Also see column 5, lines 40-45 for protocols).

Regarding claim 14, the combination of Boltz and Hansson further discloses the

communication device is either a cellular phone, a PDA or a personal computer (Boltz – figure 3, element 300).

5. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz et al, US Patent 6044275A in view of Hansson US Patent 6023620 and Matsukane et al., US Patent 5467341A

Regarding claim 4, the combination of Boltz and Hansson does not disclose the alert signal is transmitted a certain number of times designated by the user. However Matsukane discloses the alert signal is transmitted a certain number of times designated by the user (Abstract, lines 16-20). Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art, to modify the combination of Boltz and Hansson with the above teachings of Matsukane, in order to allow the user to adapt to different environments (for example when the mobile cannot be contacted due poor coverage) as suggested by Matsukane (Abstract, lines 16-20).

Regarding claim 5, the combination of Boltz, Hansson, and Matsukane further discloses the step of transmitting an alert signal further comprises the steps of: waiting for a user specified time period for a signal responding to the transmitted alert signal; retransmitting the alert signal a certain number of times specified by the user (Matsukane – abstract, lines 16-20); and transmitting a message to the user over a signaling channel informing the user that the information cannot be delivered to its

destination when no response signal is received after a certain number of retransmissions has occurred (Boltz – column 2, lines 16-25).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent 6119014A, Alplerovich et al., System and method for displaying short messages depending upon location priority, and user-defined indicators.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farima Farkhondar-Tonsey whose telephone number is 703-305-6285. The examiner can normally be reached at 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vo Nguyen can be reached on 703-308-6728. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service whose telephone number is 703-306-0377.



Application/Control Number: 09/849,088  
Art Unit: 2681

Page 8

Farima Farkhondar-Tonsey  
Examiner  
February 17, 2004

  
SINH TRAN  
PRIMARY EXAMINER